

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF NEW HAMPSHIRE

THOMAS JACKSON MILLER, )  
Plaintiff )  
v. ) Civil Action No. 1:16-cv-143-JL  
THE SUNAPEE DIFFERENCE, LLC )  
d/b/a MOUNT SUNAPEE RESORT, )  
Defendant )

**DEFENDANT'S RESPONSE TO SUBMISSION OF SUPPLEMENTAL AUTHORITY**

Defendant, The Sunapee Difference, LLC d/b/a Mount Sunapee Resort (“Mount Sunapee”), by and through its attorneys, Devine, Millimet & Branch, P.A., respectfully submits this response to plaintiff’s submission of supplemental authority (Doc. Nos. 43 and 43-1). Mount Sunapee has reviewed the order in *Jean Elizabeth Perry, et al. v. SNH Development, Inc.*, Hillsborough County (Southern District), Docket No. 2015-CV-00678 (Sept. 14, 2017) (Temple, J.) (the “Hillsborough Order”) that plaintiff has submitted, and contends it is inapplicable to the present matter. To the extent the Court feels otherwise, Mount Sunapee requests the opportunity to address the Hillsborough Order in a brief pleading.

Respectfully submitted,

THE SUNAPEE DIFFERENCE, LLC d/b/a  
MOUNT SUNAPEE RESORT  
By Their Attorneys,  
DEVINE, MILLIMET & BRANCH, P.A.

Dated: September 15, 2017

By: /s/ Brendan P. Mitchell  
Thomas Quarles, Jr., Esq. (NH Bar #2077)  
[tquarles@devinemillimet.com](mailto:tquarles@devinemillimet.com)  
Brendan P. Mitchell, Esq. (NH Bar #19652)  
[bmitchell@devinemillimet.com](mailto:bmitchell@devinemillimet.com)  
111 Amherst Street  
Manchester, NH 03101  
(603) 669-1000

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document has been forwarded this date via the Court's ECF system to Arend R. Tensen, Esq., opposing counsel.

Dated: September 15, 2017

/s/ Brendan P. Mitchell  
Brendan P. Mitchell, Esq.

\MHT-WORLDOX\MHT\$\WDOX\DOCS\CLIENTS\022014\105717\M3640427.DOCX